

# Probationary Periods

## Section 3.3.1

### PURPOSE

The probationary period shall be regarded as the final step in the testing process and shall be used for closely observing and evaluating the employee's work performance and for securing the most effective adjustment of a new employee to his position (San Jose Municipal Code, Section 3.04.1000).

### AUTHORITIES

San Jose Municipal Code, Section 3.04.990A

All... appointments [to the Classified Service] shall be tentative and subject to successful completion of a probationary period... [which] shall not be less than six months of actual service.

San Jose Municipal Code, Section 3.04.990B

The [Civil Service] Commission may, by resolution, establish a longer probationary period, not to exceed twelve months, for such classes as it may specify. (See attachment.)

San Jose Municipal Code, Section 3.04.1010

During the probationary period an employee may be rejected at any time by the appointing power without cause and without the right of appeal.

San Jose Municipal Code, Section 3.04.300

"Permanent employee" means an employee who has satisfactorily completed a period of probation.

San Jose Municipal Code, Section 3.04.370

The entire period of time during which any temporary employee is employed by the city shall be regarded as a period of probation if such employee is appointed as a regular employee in the same position at the termination of his appointment as a temporary employee.

### POLICY

#### 1. Evaluation of Performance

At the beginning of the probationary period, the supervisor should determine performance targets to be completed and duties to be performed during the probationary period. A performance target defines results to be achieved during job performance. (For example, a job target may provide that an employee will process 95% of permit applications within three days or will reorganize the department files during the probationary period.)

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The supervisor should also define the key elements of job performance to be assessed during the probationary period. Key elements are knowledge, skills and abilities that relate to an essential function of the job, such as technical knowledge or writing skills. To the extent that the supervisor can define these key elements in a manner that relates them to specific job behaviors or outcomes, there will be a basis for a common understanding of expectations between the employee and the supervisor. Finally, these performance targets, duties, and key elements should be discussed in person with the employee, who should also receive a written copy of these items.

Throughout the probationary period, a supervisor should provide the employee feedback on his/her performance. A supervisor should conduct at least one interim performance appraisal to provide the employee guidance in achieving successful job performance and to document the job performance to date.

Finally, a formal, written performance appraisal must be completed before the probationary period ends. To pass probation, an employee must achieve an overall rating of “meets standard” or better at the end of the probationary period.

### **2. Length of Probationary Period**

**For all employees except Sworn Police and Fire** - Probationary periods shall not be less than six (6) or twelve (12) months of actual service as determined by the Civil Service Commission. Actual service shall mean regular hours worked, paid holidays and up to 80 hours of other cumulative or consecutive paid or unpaid absences.

**For Sworn Fire and Police Employees** – See Civil Service Rules and MOA.

The attached Resolution of the Civil Service Commission shows which classifications have probation periods of one year. All other Civil Service classes have probation periods of six months.

### **3. Extension of Probation**

*Extensions of probation are available only to management employees (in the classified service) or as provided in the MOA for an employee’s bargaining unit.*

If, after appropriate feedback, guidance, and coaching, the job performance of a probationary employee is found to be below standard, the supervisor may recommend the extension of a probationary period. Such an extension may be appropriate where job performance has been marginal but the employee is showing improvement or when the employee has not been in the position for the entire probationary period (e.g., following an interdepartmental transfer during probation).

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An extension of probation is not appropriate if job performance has been marginal and the employee shows no potential for improvement or if job performance has been clearly unsatisfactory. An extension of probation is also inappropriate when used because of a supervisor's failure to conduct performance appraisals.

An extension may be for a maximum of three months (except for management employees and employees represented by ABMEI, whose probation may be extended for six months), at which time the employee must either be appointed to permanent status or dismissed from probation. Any step increase that would normally be due upon completion of probation will be withheld until the completion of the extended probationary period. (For appeal rights regarding step withholds, see San Jose Municipal Code, Sections 3.04.1350-3.04.1490, and the appropriate MOA for more information.)

**4. Dismissal from Probation**

If an employee's performance is below standard and an extension of probation is inappropriate, the supervisor should recommend dismissal from probation.

*No dismissal or extension shall be effective without the approval of the Appointing Authority. Recommendations should be accompanied by a performance appraisal that indicates the employee's performance element ratings and status of performance targets. A memorandum recommending the action to be taken is also helpful. If no recommendation is approved by the end of the probationary period, the employee will be presumed to have completed probation and will be appointed to permanent status.*

**5. Effect of Previous Status on Probationary Period**

Time spent as a contract, provisional, or unclassified employee shall not be counted as part of any probationary period.

Employees who return to a class in which they formerly held permanent status shall be exempted from completing another probationary period. Employees who are reemployed or who have completed probation in a part-time classification of a similar title may be required to complete probation, at the option of the Appointing Authority. Completion of probation shall not be excused because an employee has completed probation in a class of a higher or equal pay range.

**6. Inapplicability to Non-Permanent Appointments**

Probation is served as a prerequisite to a permanent appointment in the classified service. As such, it is not applicable to provisional, unclassified, or temporary appointments, or to contract employment.

**Probationary Periods****Section 3.3.1****PROCEDURES**

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| Immediate Supervisor | 1. Meet with employee to discuss performance standards and targets early in the probationary period, and provide the employee with a written copy.     |
| Immediate Supervisor | 2. Conduct an interim appraisal when probation is half completed. Inform employee of progress and provide feedback on specific job performance issues. |
| Immediate Supervisor | 3. Submit a completed Performance Appraisal to Human Resources, recommending action to be taken.   |
- If employee has satisfactorily completed probation, employee will be appointed to permanent status in the classification.

**Extension of Probation**

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| Immediate Supervisor        | 1. Submit a Performance Appraisal to Human Resources, recommending that probation be extended for up to three months (six months for management employees). This appraisal shall be signed and dated by the department head, and shall be submitted to Employee Services <i>at least two (2) weeks before the end of probation</i> . An explanatory memorandum should accompany the appraisal. |
| Director of Human Resources | 2. Review the documents submitted and determine whether or not the extension is appropriate. Notifies department of decision to approval or denial of department's recommended action.   |
| Immediate Supervisor        | 3. If the extension request is approved, informs the employee or action and the reason for the extension.  |
| Human Resources             | 4. Send a letter notifying employee of extension of probation to employee's home address so that the employee receives notice before the end of the probationary period.   |

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| Immediate Supervisor | 5. Before the end of the extended probationary period, submit a Performance Appraisal to Employee Services, recommending either that employee be granted permanent status or dismissed from probation. |
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- Dismissal from Probation**
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| Department Head             | 1. Submit a Performance Appraisal to Employee Services, recommending that employee be dismissed from probation, <i>at least two (2) weeks before the end of probation</i> . An explanatory memorandum should accompany the appraisal.  |
| Director of Human Resources | 2. Review appraisal documents and determine whether or not dismissal is appropriate. Notify department in regard to approval or denial of department's recommended action.   |
| Human Resources             | 3. If employee does not pass probation, <ol style="list-style-type: none"><li>Reassign the employee, if s/he has sufficient seniority, to the highest classification in which s/he had permanent status, or</li><li>Place the employee who has permanent status in another class into a suitable vacancy if one is available, consistent with the City's Employee Placement policy.</li><li>If options a or b are not possible, the employee shall be separated from City service.</li></ol> |
| Supervisor                  | 4. Inform the employee of his/her status prior to the end of the probationary period.  |
| Human Resources             | 5. Arrange and implement whatever placement actions are appropriate, or send a certified letter notifying employee of dismissal from City service to employee's home address so that the employee receives notice before the end of the probationary period.   |

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Approved:

/s/ Jennifer Schembri  
Interim Director of Employee  
Relations

March 11, 2015

DATE

**Probationary Periods****Section 3.3.1****ONE-YEAR PROBATION LIST**

<b>Job Code</b>	<b>Classification Title</b>
1646	Administrative Officer
2328	Arson Investigator
8028	Associate Legal Analyst
8029	Associate Legal Analyst (P/T)
2314	Battalion Chief
3917	Building Inspector Combination
3918	Building Inspector Combination (P/T)
3915	Building Inspector Combination (Cert)
3916	Building Inspector Combination (Cert) (P/T)
3919	Building Inspector, Supervisor
3912	Building Inspector, Supervisor (Cert)
3938	Code Enforcement Inspector I
6131	Community Service Officer I
6132	Community Service Officer II
2219	Deputy Chief of Police
8074	Division Manager
2313	Fire Captain
2331	Fire Division Chief
2312	Fire Engineer
2326	Fire Prevention Inspector
2311	Firefighter
3343	Heavy Equipment Operator
2123	Legal Analyst I
2128	Legal Analyst I (P/T)
2120	Legal Analyst II
2118	Legal Analyst II (P/T)
2423	Park Ranger (F/T)
2218	Police Captain
1181	Police Data Specialist I
2217	Police Lieutenant
2215	Police Officer
2216	Police Sergeant
8515	Public Safety Communication Specialist
8535	Public Safety Communication Specialist (P/T)
8514	Public Safety Radio Dispatcher
8534	Public Safety Radio Dispatcher (P/T)
3966	Real Property Agent I
3967	Real Property Agent II
2441	School Crossing Guard (P/T)

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8513	Senior Public Safety Dispatcher
8533	Senior Public Safety Dispatcher (P/T)
3514	Senr Airport Operations Specialist I
3515	Senr Airport Operations Specialist II
8512	Supervising Public Safety Dispatcher
3611	Wastewater Operator Trainee